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MEETING  
DATE 3-17-03**REQUEST FOR COUNCIL ACTION**

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-17</b>
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18 <sup>th</sup> Ave. SW and Hart Farm Subdivision, north of 40 <sup>th</sup> St. SW and includes an extension of Hart Drive SW.		PREPARED BY: Brent Svenby, Planner

March 13, 2003

**City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission held a public hearing on February 26, 2003 to consider this preliminary plat to allow for a single family residential development.

Andy Masterpole of McGhie & Betts, Inc. stated that the applicant agrees with staff's recommended conditions.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:

1. The Plat shall be revised:
  - a. Changing the roadway type for "Nova Court SW" to "Nova Lane SW".
  - b. Changing the roadway type for "Nebula Drive SW" to "Nebula Lane SW".
  - c. Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".
  - d. Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.
  - e. Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.
2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.
3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.
4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.

Mr. Burke moved to recommend approval of Preliminary Plat #03-05 to be known as Hart Farms Second by Arcon Development with staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 6-0 with Ms. Rivas abstaining.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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**Council Action Needed:**

- 1) The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

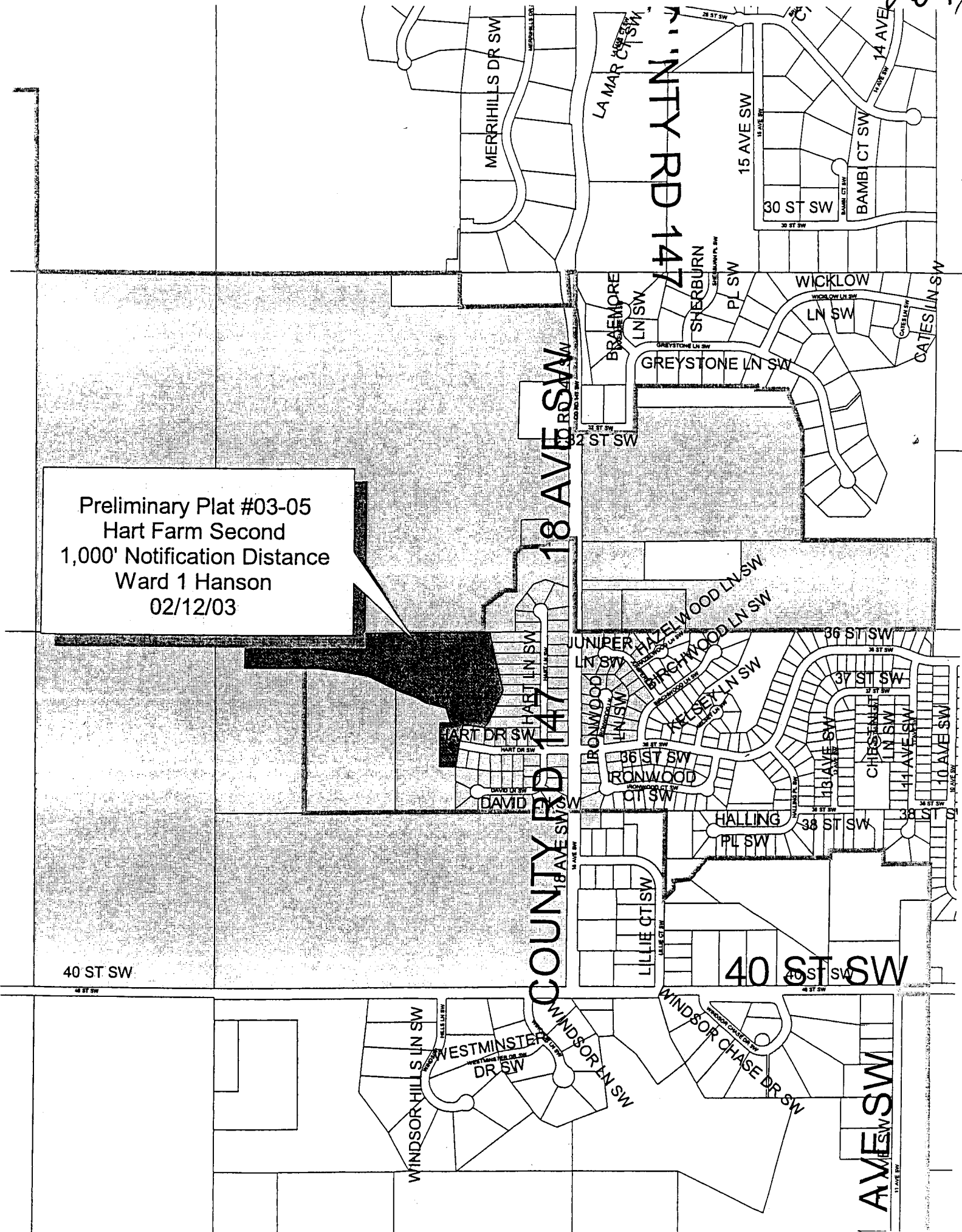
**Attachment:**

1. Staff Report dated February 21, 2003
2. Minutes of the February 26, 2003 CPZC Meeting

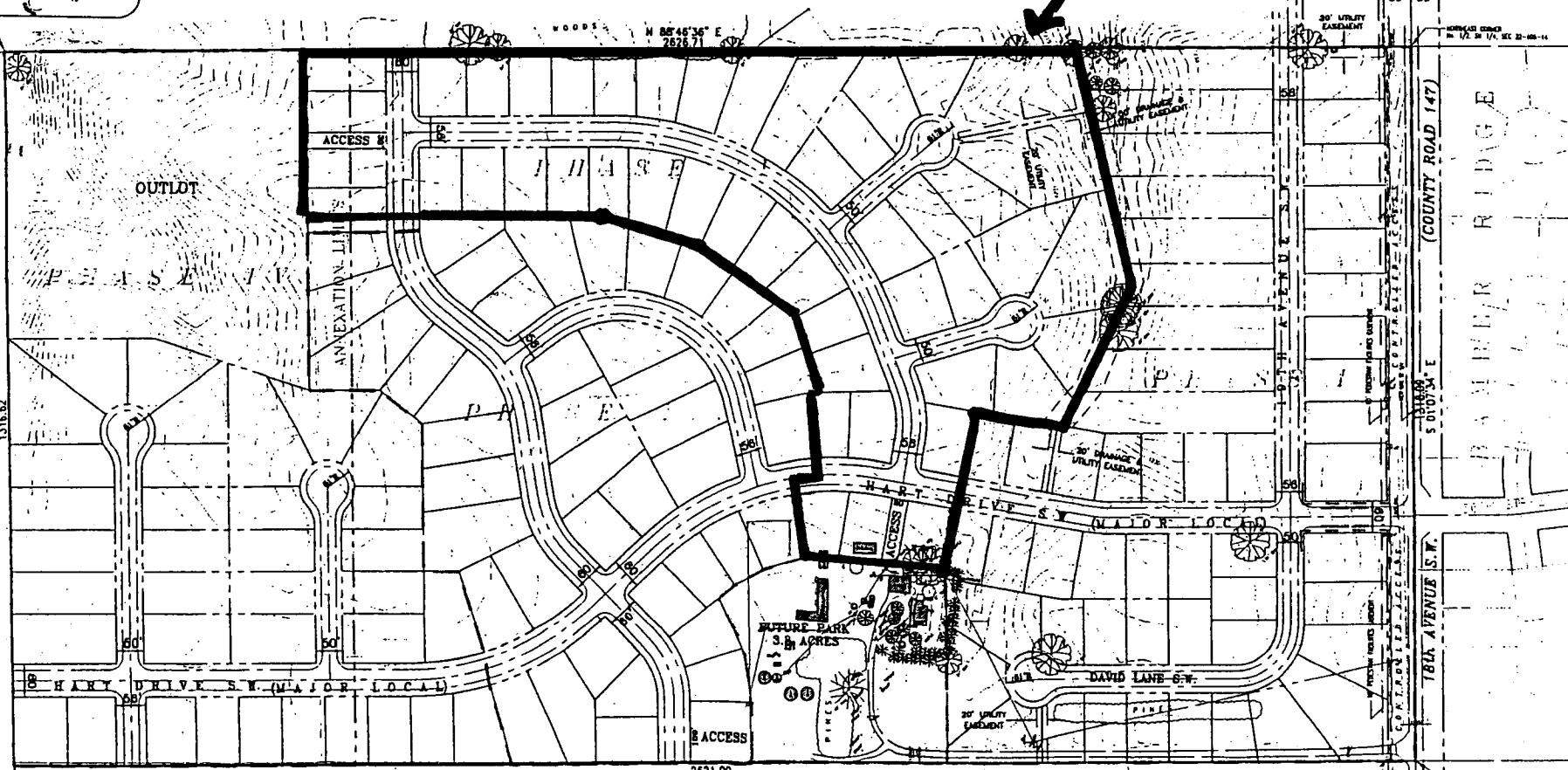
**Distribution:**

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department GIS Division
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. McGhie & Betts, Inc.

Preliminary Plat #03-05  
Hart Farm Second  
1,000' Notification Distance  
Ward 1 Hanson  
02/12/03



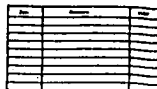
## HART FARMS' PROPERTY



R C & A  
HART FARMS' PROPERTY

APPROVED GDR

CHILD'S FIRST  
SUBDIVISION  
REVISED



**McGhie**  
Consulting Engineers

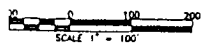


**Betts, Inc.**  
Land Surveyors

MEAL CROCKPOT  
140 ELTON MILLS DRIVE NW  
ROCKSTER, MN 55061  
MOG. LLC  
JOB NO. 1328/0043  
Designed by L&S

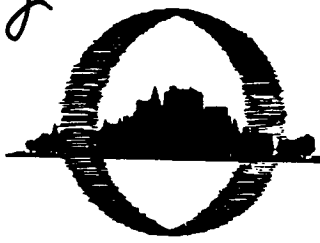
# HART FARMS SUBDIVISION GENERAL DEVELOPMENT PLAN

No. 1/2. SW 1/4





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**ROCHESTER-OLMSTED PLANNING DEPARTMENT**  
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
**Olmsted**



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: February 21, 2003**

**RE: Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18<sup>th</sup> Avenue SW and Hart Farm Subdivision, north of 40<sup>th</sup> Street SW and includes an extension of Hart Drive SW.**

**Planning Department Review:**

**Applicant/Owner:**

Arcon Development  
7625 Metro Boulevard, Suite 350  
Edina, MN 55439

**Surveyors/Engineers:**

McGhie & Betts, Inc.  
1648 Third Avenue SE  
Rochester, MN 55904

**Referral Comments:**

1. Rochester Public Works Department
2. Park and Recreation Department
3. Planning Department - John Harford, Wetlands Representative
5. Planning Department - Addressing staff
6. Public Utilities - Water Division
7. Rochester Fire Department

**Report Attachments:**

1. Referral Comments ( 7 letters)
2. Location Map
3. Copy of Preliminary Plat
4. Hart Farms Approved Amended GDP

**Development Review:**

**Location of Property:**

The property is located along the west side of 18<sup>th</sup> Avenue SW and Hart Farm Subdivision, north of 40<sup>th</sup> Street SW.



**Zoning:**

A majority of the property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map. The City Council will consider the annexation of the westerly portion of the plat at their March 3, 2003 meeting.

Upon MN Planning / Office of Strategic Long Range Planning approval for this annexation, the westerly portion will be zoned R-1 (Mixed Single Family Residential) district on the Rochester Zoning Map.

**Proposed Development:**

This development is subdividing approximately 18 acres of land into 47 lots for low density residential development, three outlots and includes the extension of Hart Drive SW.

**Roadways:**

This plat proposes to dedicate right-of-way for five new roadways.

The first roadway is a continuation of "Hart Drive SW" and is designed with a 60' right-of-way.

The second roadway is named "Galileo Drive SW" and is designed with a 56' right-of-way. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Galileo Place SW" or "Galileo Road SW".

The third roadway is a cul-de-sac named "Nova Court SW". This roadway is designed with a 50' right-of-way with a 50' cul-de-sac radius. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Nova Lane SW".

The fourth roadway is a cul-de-sac named "Nebula Drive SW". This roadway is designed with a 50' right-of-way with a 51' cul-de-sac radius. This roadway is illustrated as an incorrect roadway type. Staff is recommending changing the roadway type to "Nebula Lane SW".

The fifth roadway named "Voyager Drive SW" is designed with a 60' right-of-way. This roadway will need to be given a different name. Staff is recommending changing the name, but keeping the roadway type (Drive) and directional (SW).

**Pedestrian Facilities:**

Pedestrian facilities (concrete sidewalk) is required at the Owner's expense, along both sides of all new public roadways within this Subdivision, including the frontages of the three (3) mid-block connection Outlots.

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**Pedestrian Facilities  
(Continued):**

Outlots A, B and C shall be dedicated to the City, at no cost to the City, the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots.

The applicant shall be required to grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

**Drainage:**

The topography generally drains from the NE to the southwest and west with elevations from the NE corner of the proposed plat being 1208' to 1236' along the SW and 1248' along the western portion of this proposed plat.

Grading and drainage plans will need to be approved by the City Public Works Department prior to the submittal of the final plat. A Storm Water Management charge will apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.

**Wetlands:**

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. According to the Soils Survey, hydric soils do not exist on this property.

**Public Utilities:**

A 20' minimum public utility easement is required for the 8' water main loop needed between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north. Static water pressures within this area will range from 49 to 65 PSI.

**Spillover Parking:**

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 57 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

**Parkland Dedication:**

The Park & Recreation Department stated that dedication requirements be met via: Deferred land dedication with the land to be dedicated as the 3.9 acre park site, as shown on the General Development Plan. The dedication of land shall occur when the park is accessed via public street or when the City wishes to begin development of the park.

**Parkland Dedication  
(Continued)**

The applicant shall be extended .08 parkland credits for the dedication of Outlot B, which will serve as access to Hart Farm Park.

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**General Development Plan:**

This preliminary plat is included in the amended Hart Farms General Development Plan, approved July 16, 2001.

**Staff Review and Recommendation:**

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Developer has executed a Development Agreement for this Property and development is subject to the terms of the Agreement. The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. The staff recommends approval with the following conditions / modifications:

1. ***The Plat shall be revised:***
  - a. ***Changing the roadway type for "Nova Court SW" to "Nova Lane SW".***
  - b. ***Changing the roadway type for "Nebula Drive SW" to "Nebula Lane SW".***
  - c. ***Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".***
  - d. ***Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.***
  - e. ***Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.***
2. ***Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.***
3. ***Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.***
4. ***Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.***

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Page 5  
Preliminary Plat 03-05  
Hart Farm Second  
February 26, 2003

**Reminder to Applicant:**

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

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CITY OF ROCHESTER  
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL  
EXCERPTS

**61.225 Finding for Land Subdivision:**

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

*Effective May 15, 1999*

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.

**61.226 Conditions on Approvals:**

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 2/14/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-05, on the Hart Farm Second (p/o GDP#157) property. The following are Public Works comments on the proposal:

1. There is an executed Development Agreement for this Property. Development is subject to the terms of the Agreement..
2. Grading & Drainage Plan approval is required prior to Final Plat submittal. A Storm Water Management charge will apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.
3. A City / Owner Contract must be executed prior to development of this property to address the construction of all public infrastructure and utilities to serve this subdivision.
4. Pedestrian facilities (concrete sidewalk) will be required at the Owner's expense, along both sides of all new public roads within this Subdivision, including the frontages of the three (3) mid-block connection Outlots.
5. Outlots A, B, & C, shall be dedicated to the City, at no cost to the City. The Owner is obligated to grade & construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots.
6. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.

Charges & fees applicable to the development of this property are addressed in the Development Agreement with the exception of:

- ❖ First Seal Coat Program contribution @ \$0.49 per sq.yds of public street surface (rate in place 8/1/02 through 7/31/03)
- ❖ Traffic Signs as determined by the City Engineer

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ROCHESTER PARK AND RECREATION DEPARTMENT  
201 FOURTH STREET SE  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6160  
FAX 507-281-6165

## MEMORANDUM

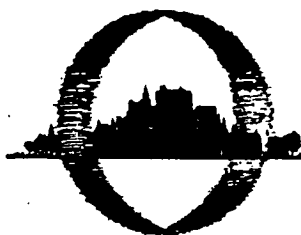
DATE: January 31, 2003  
TO: Jennifer Garness  
Planning  
RE: Hart Farm 2<sup>nd</sup>  
Preliminary Plat # 03-05

Acreage of plat.....	18.0
Number of dwelling units.....	47 units
Density factor.....	.0244
Dedication .....	1.15 a
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Deferred land dedication with land to be dedicated the 3.9 acre park site shown on the GDP. Dedication of land to occur when the park is accessed via public street or when the City wishes to begin development of the park.

The applicant should be extended .08 acres parkland credits for the dedication of Outlot B which will serve as access to Hart Farm Park. The applicant should be required to grade and seed the outlot to turf prior to deeding to the City.

Outlots A and C should be graded and seeded to turf prior to deeding to the City.



COUNTY OF  
*Olmsted*



Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

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## PLAT REFERRAL RESPONSE

**DATE:** February 11, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Kristi Clarke (McGhie & Betts Inc.)

**RE:** HART FARM SECOND

### PRELIMINARY PLAT # 03-05

A review of the preliminary plat has turned up the following ADDRESS and ROADWAY related issues.

1. The cul-de-sac illustrated as NOVA COURT SW is using an incorrect roadway type.

**RECOMMENDATION:** Change roadway type to Lane, NOVA LANE SW.

2. The cul-de-sac illustrated as NEBULA DRIVE SW is using an incorrect roadway type.

**RECOMMENDATION:** Change roadway type to Lane, NEBULA LANE SW.

3. The roadway illustrated as GALILEO DRIVE SW is using an incorrect roadway type.

**RECOMMENDATION:** Change roadway type to Place or Road, GALILEO PLACE or GALILEO ROAD SW.

4. The roadway illustrated as VOYAGER DRIVE SW will need to be given a different name.

**RECOMMENDATION:** Change roadway name, but keep the roadway type and directional.

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February 4, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-05 by Arcon Development to be known as Hart Farm Second.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

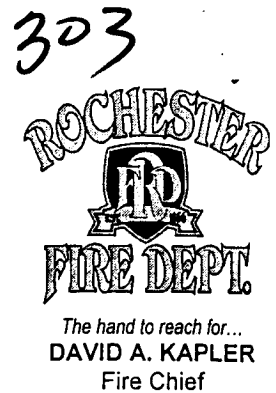
1. A 20' public utility easement is required for the 8" water main loop that is needed between Lots 6 & 7 Block 5 between Nebula Drive SW cul-de-sac and the adjacent property to the north.
2. Static water pressures within this area will range from 49 to 65 PSI.
3. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention Bureau  
Gary Schick, Building & Safety  
Arcon Development  
McGhie & Betts, Inc.



DATE: February 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: Land Subdivision Permit (Preliminary Plat) 03-05 to be know as Hart Farm Second by Arcon Development.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
  - Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac.
  - Streets less than 36 feet in width shall be posted "No Parking" along one side of the street.  
Streets less than 28 feet in width shall be posted "No Parking" along both sides of the street.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division  
Arcon Development – 7625 Metro Blvd, Suite 350 – Edina, MN 55439  
McGhie & Betts, Inc. – 1648 3<sup>rd</sup> Ave SE – Rochester, MN 55904

2. Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.
3. Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.
4. Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.
5. Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.
6. Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.
7. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
8. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

\* Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development. The Applicant is proposing to subdivide approximately 18 acres of land into 47 lots for single family development and three Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18<sup>th</sup> Ave. SW and Hart Farm Subdivision, north of 40<sup>th</sup> St. SW and includes an extension of Hart Drive SW.

Mr. Brent Svenby presented the staff report, dated February 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that condition number 2 listed in the staff report could be stricken.

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Mr. Haeussinger stated that he spoke with Mark Baker at City Public Works with regard to Lots 1 and 2 Block 1. He indicated that they could not be served by gravity flow.

Mr. Svenby showed where the annexation line was located.

Discussion ensued regarding ability to serve Lots 1 and 2 Block 1.

*Ms. Rivas stated that she would need to abstain from the vote.*

The applicant's representative, Andy Masterpole of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions. He indicated that he would meet with Mark Baker with regard to Lots 1 and 2 Block 1.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-05 to be known as Hart Farm Second, by Arcon Development with the staff-recommended findings and conditions as revised. Mr. Quinn seconded the motion. The motion carried 6-0, with Ms. Rivas abstaining.

**CONDITIONS:**

1. The Plat shall be revised:
  - a. Changing the roadway type for "Nova Court SW" to "Nova Lane SW".
  - b. Changing the roadway type for "Nebula Drive SW" to "Nebula Lane SW".
  - c. Changing the roadway type for "Galileo Drive SW" to "Galileo Place SW" or Galileo Road SW".
  - d. Changing the roadway name for "Voyager Drive SW", but keep the roadway type and directional.
  - e. Providing a 20' minimum public utility easement for the 8" watermain loop between Lots 6 and 7, Block 5 between the Nebula Drive SW cul-de-sac and the adjacent property to the north.
2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Stormwater Management charge shall apply to any areas of this subdivision that do not drain to the existing on-site detention facilities constructed with Hart Farm Subdivision.
3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both side of all new public roads within this Subdivision, including the frontages along the three (3) mid-block connection - Outlots A, B and C. Outlots A, B and C shall be dedicated to the City, at no cost to the

City, and the Owner is obligated to grade and construct a 10 foot wide bituminous pedestrian mid-block connection on each of the three Outlots. In addition, the Owner shall grade and seed to turf, the area less the 10' bituminous path, within the three Outlots A, B and C, prior to deeding to the City.

4. Dedication of parkland shall be met via: deferred land dedication, as recommended by the City Park & Recreation Department in the attached memo, dated January 31, 2003.

Land Use Plan Amendment #03-02 AND Zoning District Amendment #03-04 by Castle Court MN Limited Partnership. The applicant is proposing to amend the Rochester Urban Service Area Land Use Plan to designate the southwest ¼ of the block bound by 2<sup>nd</sup> St. SW, 3<sup>rd</sup> St. SW, 19<sup>th</sup> Ave. SW and 20<sup>th</sup> Ave. SW for "commercial" land uses" and to re-zone that portion of the block from R-2 (Low Density Residential) to B-4 (General Commercial). The property is currently the site of Castles Trailer Park.

**AND**

General Development Plan #202 by Castle Court MN Limited Partnership. The applicant is proposing to re-develop the Castles Trailer Park with uses in the B-4 (General Commercial) zoning district. The property is located south of 2<sup>nd</sup> St. SW, east of 20<sup>th</sup> Ave. SW and north of 3<sup>rd</sup> St. SW.

Mr. Brent Svenby presented the staff reports, dated February 21, 2003, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby clarified that the southerly access point on 20<sup>th</sup> Avenue SW should be moved to the north instead of south.

Discussion ensued regarding moving accesses to line up with the driveway across the street.

The applicant's representative, Wade DuMond of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN), addressed the Commission. He explained that the applicant had maps for the property showing different zoning districts than is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner asked when the last resident is scheduled to be moved.

Mr. DuMond responded April 2003.

Mr. DuMond explained that it is their intent to have an office use.

Mr. DuMond stated that the applicant agreed with the staff-recommended conditions, with the exception with regard to moving the access. He asked that they be able to use two of the access points and indicated that they would prefer they stay farther apart. He indicated that he did not believe that the Ordinance stated that he needed to line up the access points from different developments.

Mr. Haeussinger asked how many vehicles would be located in the parking lot.